

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOANNE M. ROYER,)
)
Plaintiff,)
))
v.)
)
BLUE CROSS BLUE SHIELD OF) CIVIL ACTION NO:
MASSACHUSETTS, INC., BLUE CROSS) NO: 05-CV-10448-GAO
BLUE SHIELD LONG-TERM)
DISABILITY BENEFIT PLAN, a/k/a)
OMNIBUS WELFARE BENEFITS)
PLAN, KEMPER NATIONAL)
SERVICES, INC., BROADSPIRE)
SERVICES, INC., AND SHELDON)
MYERSON, MD.,)
)
Defendants.)
)

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR REFERRAL TO
COURT'S NON-BINDING ALTERNATIVE DISPUTE RESOLUTION PROGRAM**

Defendants Blue Cross and Blue Shield of Massachusetts, Inc., Blue Cross and Blue Shield of Massachusetts, Inc. Omnibus Welfare Benefit Plan, Blue Cross Blue Shield Long-Term Disability Benefit Plan, Kemper National Services, Inc., Broadspire Services, Inc. and Sheldon Myerson, M.D. (collectively, "Defendants") respond that they have no opposition to plaintiff's motion for referral of this case to the Court's non-binding Alternative Dispute Resolution Program, said motion having been filed with the Court on April 25, 2006. Defendants respond further by stating that they have no opposition to plaintiff's request, as stated in plaintiff's motion, that all other matters in this case, including the filing of motions for summary judgment, be stayed pending the conclusion of the non-binding alternative dispute resolution referral.

WHEREFORE, Defendants respectfully request that plaintiff's motion be allowed, that this matter be referred to the Court's non-binding Alternative Dispute Resolution Program and that all other matters in this case be stayed pending the conclusion of non-binding alternative dispute resolution.

Blue Cross and Blue Shield of Massachusetts, Inc.,
Blue Cross and Blue Shield of Massachusetts, Inc.
Omnibus Welfare Benefit Plan
By their attorneys,

/s/ Joseph Halpern
Joseph D. Halpern, BBO #544789
Blue Cross and Blue Shield of Massachusetts, Inc.
Landmark Center, 401 Park Drive
Boston, MA 02115
617-246-3500
joseph.halpern@bcbsma.com

BLUE CROSS BLUE SHIELD LONG TERM
DISABILITY BENEFIT PLAN, KEMPER
NATIONAL SERVICES, INC., BROADSPIRE
SERVICES, INC., and SHELDON MYERSON,
M.D.

/s/ Edward S. Rooney, Jr.
Edward S. Rooney, Jr., BBO #426840
ECKERT SEAMANS CHERIN
& MELLOTT, LLC
One International Place, 18th Floor
Boston, MA 02110
(617) 342-6800
erooney@eckertseamans.com

OF COUNSEL:
David F. Schmidt
CHITTENDEN, MURDAY & NOVOTNY LLC
303 West Madison Street, Suite 1400
Chicago, IL 60606
312-281-3600

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on 5/1/06.

By: E.S. Rooney Jr.